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for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and the Estate
of Bernard L. Madoff,

Plaintiff,

v.

ROBERT AUERBACH REVOCABLE TRUST
dtd 6/29/05;

Adv. Pro. No. 10-04891 (SMB)

JOYCE C. AUERBACH REVOCABLE TRUST
dtd 6/29/05; and

JOYCE C. AUERBACH, individually, as Trustee
of the Robert Auerbach Revocable Trust dtd
6/29/05, and as Trustee of the Joyce C. Auerbach
Revocable Trust dtd 6/29/05, and as Personal
Representative of the Estate of Robert Auerbach,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), by and through their counsel, Baker & Hostetler LLP, and (i) Robert Auerbach Revocable Trust dtd 6/29/05; (ii) Joyce C. Auerbach Revocable Trust dtd 6/29/05; and (iii) Joyce C. Auerbach, individually, as Trustee of the Robert Auerbach Revocable Trust dtd 6/29/05, and as Trustee of the Joyce C. Auerbach Revocable Trust dtd 6/29/05, and as Personal Representative of the Estate of Robert Auerbach (“Defendants”), by and through their counsel, Max Folkenflik of Folkenflik & McGerity (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 2, 2010, the Trustee filed and served the Complaint against Defendants.
2. On January 6, 2012, Defendants filed and served the Answer to the Complaint on the Trustee.
3. Pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181], the Parties entered into a Settlement Agreement and Release on

October 7, 2016.

4. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee's claims against Defendants in the above-captioned adversary proceeding and dismissal of the adversary proceeding with prejudice.

5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

7. The Bankruptcy Court shall retain jurisdiction over this Stipulation.

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Dated: December 14, 2016
New York, New York

BAKER & HOSTETLER LLP

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*Attorneys for Plaintiff Irving H. Picard,
Trustee for the liquidation of Bernard L.
Madoff Investment Securities LLC and the
consolidated estate of Bernard L. Madoff*

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*Attorneys for Defendants Robert Auerbach
Revocable Trust dtd 6/29/05, Joyce Auerbach
Revocable Trust 6/29/05, and Joyce C.
Auerbach, individually, as Trustee of the
Robert Auerbach Revocable Trust dtd 6/29/05,
as Trustee of the Joyce Auerbach Revocable
Trust 6/29/05, and as Personal Representative
of the Estate of Robert Auerbach*

SO ORDERED

Dated: December 14th, 2016
New York, New York

/s/ STUART M. BERNSTEIN
Hon. Stuart M. Bernstein
United States Bankruptcy Judge